

40 East Court Street  
Rocky Mount, Virginia 24151  
540-483-3030 (Voice)  
540-483-3035 (Fax)

# County of Frankli..

## Board of Supervisors



Richard E. Huff, II  
County Administrator  
countyadmin@franklincountyva.org

April 12, 2000

RECEIVED  
APR 21 2000  
DEQ-WCRO

Clint J. Boschen  
Planning & Permit Support  
VA Dept. of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

Re: Upper Blackwater River Watershed TMDL Draft Reports

Dear Mr. Boschen:

This letter is being sent to you on behalf of the Franklin County agricultural community, represented by the dairymen and local governmental officials whose signatures are below.

We have several concerns regarding the TMDL draft reports which you have shared with us (Middle Blackwater River, South Fork of the Blackwater River, North Fork of the Blackwater River, and Upper Blackwater River).

1) *Best Management Practices--*

- \* Generally, any BMP that farmers install should be considered sufficient for the future-- so that actions taken will not have to be revised to suit new regulations.
- \* We disagree with fencing creeks as the only feasible alternative to achieve the TMDL desired level for several reasons:
  - a) There is a large economic impact to upkeep the fences (insurance will not cover flood or deer damages, for instance);
  - b) To remove the cattle from drinking in the creek means that alternative water sources must be constructed. These would use
    - underground sources and, in times of drought, lead to depletion of the water table which has been compromised by the droughts of the past year.
  - c) Wildlife population is enhanced through fencing and improvements to riparian areas, and they are a major contributor of fecal coliform

in the creeks.

- d) Costs to fence all creeks would be exorbitant. Cost share program funds are generally insufficient for the projects and the values are normally underestimated for their application in Franklin County. The farmers cannot make up the difference in the job price and the grant amount. Tax credits are also not "money in hand", and therefore do not help the farmer to install the BMPs.

2) *Equitable Funding--*

If TMDL voluntary implementation is to proceed, the farmers will require grant funding at levels equitable to those given non-point sources.

3) *Equitable Regulation--*

- a) Consideration of weather events should be integrated in any regulatory proscriptions for WWTPs, as they are currently for manure lagoons. The farmers must provide storage for extreme weather events at their own cost, while there may not be that comparability for WWTPs. If there is non-comparability in regulation, this should be reviewed.

4) *Sampling--*

The sample protocol requires a sample in time, not an average, and may not be reflective of overall conditions. For instance, a rain event may cause a spike in a pollutant, which potentiall can disappear within 24 hours. For instance, averaging 3 months may be more accurate than one month's readings.

5) *Economic Effect on Farmer and Community--*

- \* There is a contrast which must be drawn between the fragility of streamlife and that of the human and agricultural communities.
  - a) There are both direct and indirect effects on the economic base from changes in the income of farmers. In this case, 80% of income is spent in local businesses. Without income, employees on the farm may not be hired, and there is job loss. In Virginia, low milk prices, which may continue for an uncertain number of months or years, have greatly impacted the improvements which



can be afforded.

- b) Farmers who cannot stay in business must sell their property, and when this happens, land use changes. Population density will increase and draw more upon available land and water resources. Instead of protecting habitats, we will destroy them, along with the historical use of the land by the farming and forestry community. The beauty and tranquility of our County will be forever and immutably changed. We have seen the farming community suffer economic reversals so severe that five (5) dairies have closed this year in our County which is second in dairy farming in the State. One of these dairies had 30 employees, similar to a small business, with an income of \$1.5M/year, of which about 90% was spent in Franklin County. With the loss of 1,000 cows, the County loses \$1.5M in milk gross income, representing a substantial proportion of our income base. We cannot sustain more losses.
- c) The loss of the farming community takes with it the other services that support farming (feed stores, equipment dealers, hardware stores, repair and maintenance providers, banks, insurance, veterinarians). One might also be concerned that without practicing agriculture in the State, the need for agricultural and veterinary studies at VPI&SU come into question.
- d) It is very apparent to us that if the TMDL implementation were ever to become mandated, there would be an exodus of farming producers from the State. These operations could move off-shore where there is no regulation or to the Western states which are now soliciting dairy operations to improve their overall incomes which are quite low. Even a staging of implementation would trigger the exodus; we have seen the TMDL regulations play a role already in dairy closings in the County.

6) *Social Concerns--*

- \* In general, we cannot support any regulations which will destroy the fabric and strength of our community.
- a) There are farms which have been in continuous family ownership and operation for 160 or more years in our County. These farms have contributed a stability to the economic and social fabric of Franklin County. We have seen that regulation in North Carolina and Florida has reduced the dairy population in the extreme. In fact, two (2) local herds came to Franklin County from North



Carolina because of the excessive regulation.

- b) Because of environmental regulation, farmers may not invest in their operations and facilities, and instead save their earnings for eventual liquidation of assets. There is no incentive because of the regulations for the younger generation to look forward to staying in the dairy business, as a member of our community. It is all too easy to sell off the family farm to a developer. The heritage of farming in America is threatened.

7) *Concerns Relating to the Basic Premises of the TMDL and the Approach to Water Quality Improvements*

\* In general, is coliform in fact a pathogen and is the standard attainable?

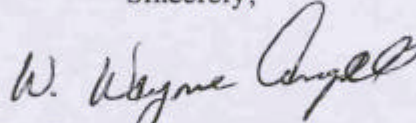
- a) These questions have not been satisfactorily answered. We are told that fecal coliform is not a pathogen and does not hamper water quality, and yet it is serving as a proxy for pollution. It would be more accurate to use an indicator which does demonstrate a threat to life. Fish numbers in our streams may be more dependent on stocking than on fecal coliform, for instance.
- b) Even with implementing all suggested practices, the standard cannot be met. Wildlife will always be present, for which we are grateful.
- c) The study of water quality needs to reflect the historical and current uses of the waters by the community. We cannot support a water quality standard which ignores existing water users. For instance, the existing standard is written to enable swimming in all waters; however, in our area swimming is usually not a use of the waters in question. The social and economic costs associated with producing swimmable waters throughout our streams and creeks is not supportable because the use is not present as a consideration. While water quality is a well-supported goal, its implementation must be realistic and take into account land use, economic, and social priorities. We must better target what we hope to achieve, and it must be underwritten by sufficient public resources to remove the burden upon the private landowner when public policy changes over time.

We appreciate the opportunity to comment on the drafts of the TMDL analysis. We request that you keep us informed of any other related proceedings that may include our



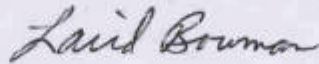
comment, such as the potential revisions to the water quality standards by the State of Virginia. Please also keep us informed of the progress of the TMDL studies. If you will provide this information to our County Administrator, Richard E. Huff, II, at the above address, we will be most grateful.

Sincerely,

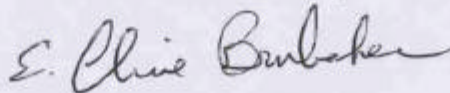


W. Wayne Angell, Chairman  
Board of Supervisors

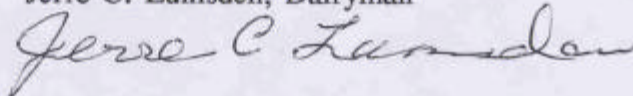
Laird Bowman, Dairyman



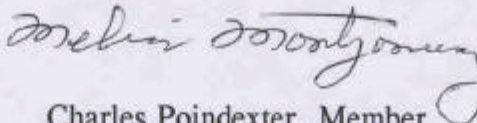
E. Cline Brubaker, Dairyman



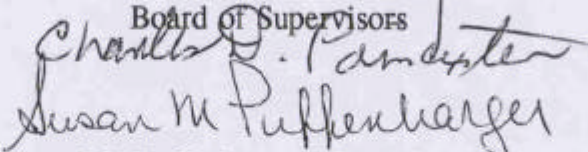
Jerre C. Lumsden, Dairyman



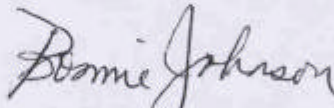
Melvin Montgomery, Dairyman



Charles Poindexter, Member  
Board of Supervisors



Susan M. Puffenbarger  
Susan M. Puffenbarger, Extension Agent  
Dairy Science and Water Quality  
VPI&SU



Bonnie L. Johnson  
Assistant County Administrator

cc: Senator John Warner  
Senator Charles Robb  
Congressman Virgil Goode, Jr.  
Governor James Gilmore  
State Senator Roscoe Reynolds  
State Delegate Allen W. Dudley  
State Delegate Ward L. Armstrong  
Richard E. Huff, II, County Administrator  
Members, Franklin County Board of Supervisors  
Dennis Treacy, Director, VA Dept. of Environmental Quality  
Carlton Courter, Commissioner of Agriculture  
John Miller, Secretary of VA State Dairyman's Association  
Leland Mitchell, President, Franklin County Farm Bureau  
Donna Pugh Johnson, President, VA Agribusiness Council





COMMONWEALTH OF VIRGINIA  
HOUSE OF DELEGATES  
RICHMOND

RECEIVED

MAY 23 2000

ALLEN W. DUDLEY  
1521 ALTICE MILL ROAD  
ROCKY MOUNT, VIRGINIA 24151

NINTH DISTRICT

COMMITTEE ASSIGNMENTS: DO  
INTERSTATE COOPERATION (CO-CHAIR)  
FINANCE  
COUNTIES, CITIES AND TOWNS  
CORPORATIONS, INSURANCE AND BANKING  
AGRICULTURE

May 18, 2000

Mr. Clint Boschen  
Planning and Permit Support  
Virginia Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, Virginia 24019

Dear Mr. Boschen:

I am writing regarding the proposed Upper Blackwater River Watershed TMDL. I have read with great interest the letter sent by the Franklin County Board of Supervisors and local dairymen in which they correctly enumerate at length some of the pitfalls contained in the TMDL draft reports. Like the authors of that letter, I am quite concerned that some of the proposed actions will negatively impact Franklin County's agricultural community.

With the decline of the textile industry and the continued assault upon tobacco farmers, I would argue that we must not take any step that would hamper the earning potential of the citizens of Franklin County. As has been pointed out, for every 1000 head of dairy cattle lost, the local economy directly loses approximately \$1.5 million dollars. The indirect losses for support businesses may well be even higher. Quite simply, our fragile local economy cannot afford those losses.

I am also concerned about the apparent gap between costs mandated by the proposed Best Management Practices (BMPs) and the level of grant money available. I sincerely question whether or not proposed tax credits would help, given the lower profit margin that would likely result from the burdensome costs that the proposed BMPs would mandate upon the farmers.

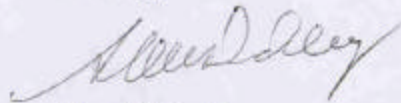
Specific attention should be directed to the notion that farmers would be required to fence creeks. I am not convinced that this action would actually lower the levels of pollutants in our creeks and streams. I do know that such practices would result in higher costs for our farmers, and could potentially drive many farmers out of business.

During the past General Assembly session, we committed to preserving Virginia's farmlands and open spaces. Enacting regulations such as those proposed by the Virginia Department of Environmental Quality would only hasten the demise of those areas as it would completely remove the profit from farming.

I will be taking an active role in the TMDL study process in order to ensure that the interests of our agricultural community, and indeed the interests of the entire county are taken into consideration. I look forward to working with you as this process continues, and I invite you to contact me so that we may discuss this vital issue.

With kind regards, I am

Sincerely,

A handwritten signature in dark ink, appearing to read "Allen W. Dudley", written in a cursive style.

Allen W. Dudley

cc: Mr. Rick Huff, Franklin County Administrator





COMMONWEALTH of VIRGINIA  
DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

West Central Regional Office  
3019 Peters Creek Road, Roanoke, Virginia 24019  
Telephone (540) 562-6700, Fax (540) 562-6725  
<http://www.deq.state.va.us>

Dennis H. Treacy  
Director  
Thomas L. Henderson  
Regional Director

June 13, 2000

Mr. Richard E. Huff, II  
County Administrator, Franklin County  
40 East Court Street  
Rocky Mount, Virginia 24151

**Re: Franklin County Response to the Upper Blackwater River Watershed TMDL Reports**

Dear Mr. Huff:

Thank you for your letter of April 12, 2000, concerning the findings of the Upper Blackwater River watershed TMDL study. Speaking for the staff of the Department of Environmental Quality (DEQ), we appreciate your interest and participation throughout this process. We have noted your concerns and look forward to working with the citizens of Franklin County to help promote water quality. For your information, we have recently submitted the TMDL reports to EPA for review along with your letter and other comments that we have received.

In general, the concerns presented address the TMDL development process, water quality standards, implementation plans, and funding sources. Most of these issues are outside the scope of the TMDL studies themselves, but are relevant to the bigger picture of water quality improvements under the TMDL program. The purpose of the TMDL study is to identify all potential sources of pollution which contribute to the stream impairment(s) listed and develop pollutant reduction scenarios that would result in the stream meeting water quality standards. Implementation plan development is the next step in the process and will involve discussions of implementation strategies, best management practices, and funding.

As you are aware, high fecal coliform bacteria levels, several times greater than the current water quality standard, have been measured throughout the Blackwater River watershed for many years. These chronic violations led to the inclusion of much of the Blackwater River watershed on Virginia's 303(d) list of impaired waters. Water



quality assessments are typically based on several years of data and not on single samples. We were fortunate to have an abundance of water quality data to work with and have benefited tremendously from local input into the modeling process.

Both point and non-point sources of fecal coliform bacteria were considered in the TMDL study. Wastewater treatment plants and other point sources are required to treat effluent discharges to preclude in-stream water quality standards violations. In the Blackwater River watershed there are only a few relatively small wastewater treatment plants. Straight pipes and other unpermitted discharges are illegal under the federal Clean Water Act and State Water Control Law. The elimination of these point sources is emphasized in the TMDL reports.

As opposed to point source regulation, control of non-point sources of pollution, such as livestock in streams and runoff from pasturelands, is voluntary. Best Management Practices (BMP's) have been developed to minimize polluted runoff from agricultural lands. Education and incentive-based programs have been developed to assist the farming community with these activities. TMDL modeling results indicate that non-point source controls will be needed to adequately reduce fecal coliform bacteria levels in impaired streams. Recommended BMP's include fencing livestock away from streams to limit the direct deposition of fecal material.

We realize that this is a costly undertaking, not only for the construction and maintenance of the fencing, but also for the provision of creating alternate water supplies for livestock. For this reason, recent changes to the Virginia Revolving Loan Fund have made farmers eligible for low interest loans for fence construction and other BMP's. These loans would provide farmers with "money in hand" to help reduce the up-front cost of installing BMP's. The implementation of these non-point pollution controls is proposed to be accomplished in phases. This approach will allow for the installation of targeted controls over time in order to best utilize available funds and other resources. Stream monitoring will be continued throughout this process to determine the effectiveness of BMP's in reducing bacteria levels and to document progress in achieving goals. The implementation plan will be developed in cooperation with the local agricultural community and other stakeholders.

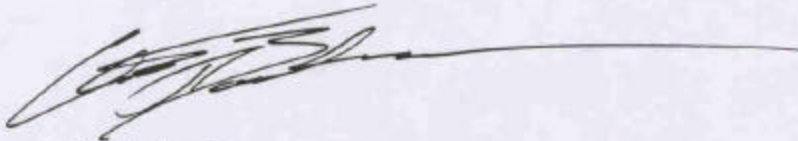
Virginia is currently re-evaluating the fecal coliform bacteria standard as part of the Water Quality Standards triennial review. We are considering the use of different bacteria indicator organisms as part of this review, in response to the unexpected finding that wildlife alone can cause standards violations. DEQ and the Department of Conservation and Recreation (DCR) are also funding studies of bacterial DNA fingerprinting techniques to better identify sources and to assist with the development of implementation plans. In addition, we are re-evaluating current beneficial use



designations that apply to all State waters. The triennial review will include public meetings across the state to facilitate public participation.

Thank you, again, for the detailed response that you provided us concerning TMDLs. For your information, the first public meeting on the Lower Blackwater River watershed TMDL study will be on Thursday, June 22 at 7:00 p.m. in the Rocky Mount Town Council Chambers. This meeting and one other to follow will focus on Maggodee Creek and the lower segment of the Blackwater River. We will keep you informed of all future TMDL proceedings as you have requested.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clint J. Boschen', followed by a long horizontal line extending to the right.

Clint J. Boschen  
Planning & Support

cc: Hon. Allen W. Dudley  
Charles Martin, DEQ  
Michael Scanlan, DEQ  
Mark Bennett, DCR  
Mike Shelor, DCR  
Sue Puffenbarger, Franklin County Extension

cc: McLeod, Scand  
Miles

Congress of the United States  
House of Representatives  
Washington, DC 20515-4605

June 21, 2000

RECEIVED

JUN 26 2000

DEQ-WORO

Mr. Clint Boschen  
Planning & Permit Support  
Department of Environmental Quality  
3019 Peters Creek Road NW  
Roanoke, Virginia 24019-2738

Dear Mr. Boschen:

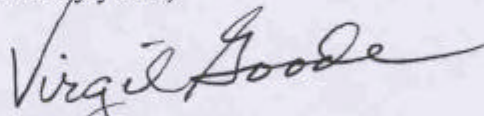
I recently received your letter regarding the first public meeting of the Lower Blackwater River Watershed TMDL. As you know, many in Franklin County and throughout the country have raised concerns with the EPA's proposed TMDL regulations. In response to the concerns that have been raised, many members of Congress are looking at ways to address the issue. I wanted to share with you a copy of the enclosed language which is included in the House FY 2001 VA-HUD Appropriations bill which provides funding for the EPA.

As you can see, the report language prohibits the expenditure of funds for a final determination or implementation of the TMDL regulations and encourages the EPA to revoke guidance and requirements that have been implemented until the TMDL rule is finalized. While this measure has not yet been passed into law, this language is included in the House bill which has been passed by the Appropriations Committee and is being considered on the floor of the House of Representatives this week.

I wanted to make you aware of this provision so that you may have the benefit of this information prior to moving forward with your TMDL efforts. If you have any questions or comments, please contact me or Tom Hance of my staff at 202-225-4711.

With kind regards, I am

Sincerely yours,



Virgil H. Goode

VHGjr/tjh



cc: Mr. Dennis Treacy, Director  
Department of Environmental Quality  
629 Main Street  
Richmond, VA 23219-2429

Mr. Richard Huff, County Administrator  
County of Franklin  
40 East Court Street  
Rocky Mount, VA 24151

Ms. Susan Puffenbarger, Extension Agent  
Virginia Cooperative Extension Service  
90 East Court Street  
Rocky Mount, VA 24151

reduction will result in no reduction-in-force requirement and be achieved through continuation of normal attrition. The Committee appreciates the Agency's commitment to reduce its personnel level to a maximum of 18,000 FTEs by the end of fiscal year 2001, and strongly encourages the Agency to make every effort to reach and exceed this goal as early in the fiscal year as possible.

Within available funds, EPA is directed to provide the fiscal year 2000 funding level for the Environmental Enforcement Center, as well as for the Regional Environmental Enforcement Association. Similarly, the Agency is directed to provide no less than the budget request levels for Pesticide Registration and Re-registration programs as well as for the Environmental Education programs.

The Committee has provided \$3,000,000 for section 103 grants to the states to develop regional haze programs under title I, part of the Clean Air Act. These funds must be used to aid states in development of emissions inventories, quantification of natural visibility conditions, monitoring and other data necessary to demonstrate reasonable progress and develop control strategies, and to support the states' participation in regional efforts to coordinate their strategies, where necessary, and at the election of the individual states.

In addition to funds provided to the NRWA, RCAP, the GW NETC, and the Small Flows Clearinghouse, the Committee again provided \$1,500,000 for source water protection programs. The Committee intends that these funds be used to develop local source water protection programs within each state utilizing the infrastructure and process of an organization now engaged in groundwater and wellhead protection programs. These resources will provide additional technicians for in-the-field work and will virtually guarantee that nearly 1,000 more communities will adopt local country-wide and/or regional source water protection programs targeted to the highest risk watershed areas in each state.

The Committee has included bill language which prohibits expenditure of funds by the Administrator to make a final determination on or to implement rules relative to the National Pollutant Discharge Elimination System Program and Federal Antidegradation Policy, and the Proposed Revisions to the Water Quality Planning and Management Regulations Concerning Minimum Daily Loads, published in the Federal Register in August 1999. This action was taken as a result of a multitude of concerns with the timing, impact, and cost of the proposed TMDL rule registered by numerous States and businesses throughout the country. The Committee's action should be interpreted as nothing more than a brief holding action on this rule until many of these matters are sorted out and further addressed by the EPA, Congress, the States, and the business community.

With regard to this TMDL issue, the Committee is aware that EPA Region IX, and perhaps others, have recently issued and implemented guidance to impose stringent TMDL requirements in individual permits prior to the finalization of the TMDL rulemaking. The Committee notes that such guidance may be inconsistent with a final rule and, further, that no Region of the EPA has the authority to take such actions. The Agency is strongly encouraged to direct its Regions to revoke any such guidance and to take no further actions in this regard until the TMDL rule is finalized.



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Rocky Mount, Virginia 24151  
540-483-3030 (Voice)  
540-483-3035 (Fax)

# County of Franklin

## Board of Supervisors



Richard E. Huff, II  
County Administrator  
countyadmin@franklincountyva.org

RECEIVED

DEC 27 2000

DEQ-WCRO

December 19, 2000

Mr. Michael McLeod  
Environmental Engineer  
VA Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

*Re: Comments on Lower Blackwater and Maggodee Creek TMDL Draft*

Dear Mr. McLeod:

On behalf of the Franklin County Board of Supervisors, I would like to take this opportunity to comment on this document and the other TMDL studies involving Franklin County waterways. Our comments are, which we appreciate the chance to have considered, as follows:

- 1) **Implementation Actions and Costs.** We find that the TMDL Implementation Plan is unrealistic and will be extremely costly in terms of federal, state, and private funds. The study process to this point alone, we feel certain, has required substantial research and analytic funding. The natural use of the waterways by wildlife will continue, and their use by the agricultural sector is necessary in the care of domesticated animals.
- 2) **Community Acceptance.** While we appreciate the efforts of MapTech Inc., DCR, and DEQ to perform the studies, listen to and include public opinion, the lack of community acceptance of implementing an unrealistic standard of water quality suggests that we discontinue this process and reevaluate our goals and objectives, including revisiting the Clean Water Act if required.
- 3) **Water Quality Standards.** Our County has made comment to DEQ that the water quality standards in Virginia are unrealistic and do not reflect concerns for the economic and social health and wellbeing of our community. Farming occupations are important to our economic diversity and agricultural families have provided a stability to our community institutions. Much of the open space in our community is owned by farmers and to destabilize this industry cannot be contemplated. Agricultural reliance on groundwater is not supported due to the impact on underlying aquifers supporting much of our residential base. The high standard of all waters being suitable for recreational use is unwarranted and does not reflect reality. The waters tested in our County through this process are not used for recreation; most cannot be

*poor assumption*

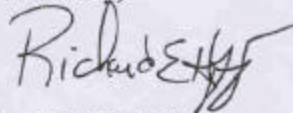


accessed except across private property and much of the waterways are not swimmable. Further, we know that there has been no impact upon Smith Mountain Lake, given the water quality results from testing there. The water quality standards driving the TMDL process need complete revision.

- 4) **Questionable Indicators and Sampling Timeframe.** The use of fecal coliform as an indicator of contamination is questioned. If testing is to occur to determine contamination, it should be based on indicators of actual problems, not the selection of a proxy. We also noted that the timeframe of sampling can affect results in different ways; for instance, if averages aren't used, unusual events in a short timeframe may spike results. In addition, weather events causing low flows may prevent gathering a normalized picture of the profile of the waterway.
- 5) **Economic, Social, and Cultural Impacts.** Whenever we undertake sweeping change, we need to study the direct and indirect impacts of our actions upon the people affected. The TMDLs do not assess such impacts, but if they had, they might have been better fashioned from the beginning. The economic impact of the TMDLs on the farmers has been discussed in the public comments given in the meetings held by DEQ, DCR, and MapTech, Inc. In destabilizing the agricultural industry through environmental regulation which appears to be poorly conceived, we also destabilize the services which support farming (feed stores, equipment dealers, hardware stores, repair and maintenance providers, banks, insurance, veterinarians, higher education, and others). The TMDL regulations have already played a role in dairy closings in the County, along with low milk prices. Our County is the second-largest in dairy farming in the state. We do not want to support any public policy which may result in the dairy industry declining in Virginia or moving off-shore.

We appreciate the opportunity to share these concerns, and would like to be informed of further opportunities where public comment is advised. We trust that these comments can and will have their intended impact.

Sincerely,



Richard E. Huff, II  
County Administrator

Cc: The Hon. John W. Warner, Senator  
The Hon. George Allen, Senator-Elect  
The Hon. Virgil H. Goode, Jr., Congressman  
The Hon. William Roscoe Reynolds, State Senator  
The Hon. Allen W. Dudley, Delegate  
The Hon. Ward L. Armstrong, Delegate  
Leland Mitchell, President, The Farm Bureau (Franklin County)



# SENATE OF VIRGINIA

WM. ROSCOE REYNOLDS  
20TH SENATORIAL DISTRICT  
FLOYD, FRANKLIN, HENRY AND PATRICK  
COUNTIES, THE CITY OF MARTINSVILLE  
AND PART OF CARROLL COUNTY  
POST OFFICE BOX 404  
MARTINSVILLE, VIRGINIA 26114-0404  
EMAIL: ROSCOE@DIGDAT.COM



December 22, 2000

COMMITTEE ASSIGNMENTS:  
AGRICULTURE, CONSERVATION AND  
NATURAL RESOURCES  
COURTS OF JUSTICE  
LOCAL GOVERNMENT

RECEIVED

DEC 29 2000

DEQ-WCRO

Mr. Michael McLeod  
Environmental Engineer  
VA Department of Environmental Quality  
3019 Peters Creek Road  
Roanoke, VA 24019

Dear Mr. McLeod:

I have received a copy of a letter dated December 19, 2000 from Richard E. Huff, II, County Administrator for Franklin County, addressed to you.

I urge you to consider each of the five concerns expressed in Richard's letter. I would also be grateful for you making sure that the Franklin County Board of Supervisors has an opportunity to make further public comment on this when appropriate.

Please take into account the concerns expressed by the Franklin County Board of Supervisors in deciding what position is finally taken on these matters by the Department of Environmental Quality.

I would be grateful if you would take the time to let me know your reaction to the concerns expressed by Richard and what final action you take with regards to the concerns expressed by Richard.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Roscoe Reynolds".

Wm. Roscoe Reynolds

WRR:ew



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

West Central Regional Office  
3019 Peters Creek Road, Roanoke, Virginia 24019  
Telephone (540) 562-6700, Fax (540) 562-6725  
<http://www.deq.state.va.us>

Dennis H. Treacy  
Director

Richard F. Weeks, Jr.  
Regional Director

Senator Wm. Roscoe Reynolds  
P.O. Box 404  
Martinsville, VA 24114-0404  
and  
Mr. Richard E. Huff, II  
County Administrator  
County of Franklin Board of Supervisors  
40 East Court Street  
Rocky Mount, VA 24151

March 12, 2001

Dear Senator Reynolds and Mr. Huff:

Thank you for your letter concerning the Total Maximum Daily Load (TMDL) studies in the Blackwater River basin in Franklin County. While you reference the Lower Blackwater River and Magodee Creek draft TMDLs in your letter of December 2000, your comments could be applied to the other three TMDL studies in Franklin county as well: the North Fork of the Blackwater River, the Upper Blackwater River, and the Middle Blackwater River.

As you point out, Franklin County is an important center for the dairy industry in Virginia, ranking second in the state in the number of dairy cows by county. This concentration of dairy operations has contributed to longstanding water quality problems in the Blackwater River watershed. High bacteria levels, several times greater than the Water Quality Standard, have been measured throughout this basin for many years. For this reason, the Blackwater River watershed was included on Virginia's 303(d) TMDL list of impaired waters in 1996 and in 1998. The Blackwater River and its tributaries were also included in the predecessor to the TMDL list, the Virginia Priority Water Bodies Catalog, in 1988.

The 303(d) list, developed pursuant to the Clean Water Act, is also known as the Total Maximum Daily Load, or TMDL list. As a follow-up to the listing process, Virginia must undertake a scientific study to determine the sources of pollution in a watershed and what control measures are needed to bring a polluted stream back into compliance with water quality standards. We have begun this process for five sub-watersheds in the Blackwater River basin.

During the TMDL development process for the Blackwater drainage area our staff met with the Franklin County Board of Supervisors in an effort to provide information and respond to



questions. In addition, the Department has reviewed and responded to the five concerns expressed in Mr. Huff's letter of December 19, 2000. This information is provided as an attachment. Also attached are two documents that may be of use. The first is the Implementation Plan for the TMDL Program developed for the Governor and Legislature. The second, a potential funding source for agricultural actions, is the Virginia Agricultural BMP Loan Program Guidelines.

Both EPA and Virginia are committed to improving water quality, but in a scientifically valid and rational manner. DEQ recognizes the importance and fragility of the dairy farming industry in the Commonwealth. The staffs of DEQ and DCR are always receptive to meeting with you to discuss these issues in more detail.

Again, thank you for your letter concerning TMDLs and their potential impact on the farm community in Franklin County. We will keep you and the other residents informed as the TMDL process progresses.

Sincerely,



Richard F. Weeks, Jr.  
Regional Director

Attachment 1 - Response to five comments  
3 Enclosures: Generic TMDL Wildlife Bacteria Statement  
VA Agricultural BMP Loan Program Guidelines  
Total Maximum Daily Load Program, A ten Year Implementation Plan

Cc: DEQ-CO: A. Pollock, D. Paylor, WCRO: D. Miles, M. Scanlan



## RESPONSE TO FIVE COMMENTS

### (1) Implementation Actions and Costs

We at DEQ fully realize that BMP implementation is a costly undertaking, not only for the construction and maintenance of the fencing, but also for the provision of alternate water supplies for the cattle. For this reason, recent changes to the Virginia Revolving Loan Fund have made farmers eligible for low interest loans for fence construction, alternative livestock watering, and other corrective actions. Also, we have embraced the principle of *phased implementation* of pollution controls in the TMDL program. Once a TMDL study is completed, the state will need to develop an implementation plan for the Blackwater River. DEQ will continue to use data from existing monitoring stations in the watershed to evaluate reductions in fecal bacteria counts and the effectiveness of the TMDL in attaining and maintaining water quality standards. The TMDL model can be adjusted and re-run to fit the new conditions and new data, to avoid over-regulation. It appears, however, that stream fencing will be needed as part of overall efforts to reduce pollution levels in the Blackwater River.

Although necessitating changes in farming practices, the overall effect is expected to yield benefits to the farmer. Less direct livestock use of streams translates into better, cleaner watering conditions. The resulting reduced stream bank erosion, increased topsoil retention, and other measurable changes mean better and more graze land.

### (2) Community Acceptance

Public participation is a vital part of the TMDL process. Staff of both the Department of Environmental Quality and the Department of Conservation and Recreation have been conducting public meetings in the watershed to inform dairy farmers and other stakeholders of our findings during the study.

Two categories of pollution are considered in TMDL studies, point sources and non-point source runoff. Point sources of pollution, like the straight pipes conveying dairy barn wastes to a stream, must be controlled. These pipes are unpermitted discharges, and are illegal under the federal Clean Water Act and State Water Control Law. Point source discharges from dairies are specifically prohibited by federal regulations at 40 CFR 412 and by state regulations at 9 VAC 25-31-30.

As opposed to point source regulation, control of non-point sources of pollution, such as runoff from pastures, is voluntary. Best Management Practices have been developed to minimize polluted runoff from pastures and other agricultural uses. Educational and incentive-based programs have been developed to assist the farming community with implementation. Scientists studying the Blackwater River have determined that, in addition to eliminating the illegal point sources, non-point source controls will also be needed to reduce bacteria levels. Recommended BMPs include fencing the livestock away from the stream.

### (3) Water Quality Standards

The finding that natural sources such as wild game can cause bacteria violations leads to a reconsideration of the Water Quality Standard for bacteria. Virginia is re-evaluating its bacteria



standard and has initiated a special rule making. A public meeting held in Roanoke, December 2000, requested public comment on this rule making and to ask the public if the participatory approach should be used. The public has responded in the affirmative and a meeting of an ad hoc group is scheduled for March 16, 2001. We are evaluating different bacteria indicator organisms and different use categories for streams as part of this review. Both DEQ and DCR are also funding studies of bacterial DNA fingerprinting techniques to better identify sources.

Per EPA's recommendation, Virginia and other states are considering a change in their bacteria testing methods and Water Quality Standards. The fecal coliform bacteria test may be replaced by tests for other type of bacteria with a stronger correlation to gastrointestinal illness. Virginia is actively pursuing new bacteria tests and Water Quality Standards based on *Enterococci* and *E. coli*. Adoption of these new regulations is scheduled for completion in early 2002.

#### **(4) Questionable Indicators and Sampling Timeframe**

The finding that wildlife alone can produce enough fecal bacteria to cause standards to be exceeded under low flow conditions was unexpected, but in our conversations with EPA, we learned that other states are encountering similar problems. A similar result has occurred in small watersheds in Bedford and Rockingham Counties, VA. We have brought this discovery to EPA's attention. In response to this discovery, EPA and Virginia have developed a "Generic TMDL Wildlife Bacteria Statement", attached. However, it is our opinion that we cannot use wildlife sources of bacteria as a reason to delay control of illegal point sources and implementation of BMPs.

Compared to other stream systems in Virginia, The Blackwater River has a robust set of water quality data collected over two decades. In addition, prior to the TMDL study, the Blackwater River basin already was the focus of remediation efforts and BMP demonstration projects, funded by EPA and USDA. In support of this remediation effort, the DEQ conducted intensive monitoring of this watershed between May 1991 and September 1995. This extensive and detailed data set was also used in developing the five TMDL models for the Blackwater River basin. In short, unusual, short-term weather events cannot be responsible for the long history of violations in the Blackwater drainage.

#### **(5) Economic, Social and Cultural Impacts.**

Please see the "Generic TMDL Wildlife Bacteria Statement" (enclosed) for an in-depth discussion of these issues, especially the section on "Alternative Solutions". To sum up, we are :

- advocating phased implementation of BMPs,
- working on changes to bacteria Water Quality Standards and testing methods,
- considering Use Attainability Analyses,
- looking at changes in "stream use designations", a type of WQS change, and
- making compliance with the bacteria WQS contingent on streamflow.

Another valuable source of information on the economic impacts of complying with Water Quality Standards can be found on EPA's web site. Please see "Economic Guidance for Water Quality Standards" at the following address: [www.epa.gov/ost/econ/](http://www.epa.gov/ost/econ/).



## Generic TMDL Wildlife Bacteria Statement

### 6.4. Wildlife Contribution

The VADEQ and VADCR have developed fecal coliform TMDLs for a number of impaired waters in the State. In some of the streams, as is the case for \_\_\_\_\_, fecal coliform bacteria counts contributed by wildlife result in standards violations, particularly during base flow conditions. Wildlife densities obtained from the Department of Game and Inland Fisheries and analysis or "typing" of the fecal coliform bacteria show that the high densities of muskrat, beaver, and waterfowl are responsible for the elevated fecal bacteria counts in these streams.

#### 6.4.1. Designated Uses

All waters in the Commonwealth have been designated as "primary contact" for the swimming use regardless of size, depth, location, water quality or actual use. The fecal coliform bacteria standard is described in 9 VAC 25-260-170 and on page 1-3 in Section 1 of this report. This standard is to be met during all stream flow levels and was established to protect bathers from ingestion of potentially harmful bacteria. However, many headwater streams are small and shallow during base flow conditions when surface runoff has minimal influence on stream flow. Even in pools, these shallow streams do not allow full body immersion during periods of base flow. In larger streams, lack of public access often precludes the swimming use.

Base flow conditions of a stream occur at a higher frequency than flow conditions influenced by precipitation runoff events. As a result, the vast majority of the water quality sampling in the watershed used to determine the impairment occurred during base flow conditions. Therefore, a critical period for modeling to insure the attainment of water quality standards is during base flow conditions with little or no storm runoff.

In the TMDL public participation process, the residents in these watersheds often report that "people do not swim in this stream." It is obvious that many streams within the state are not used for recreational purposes. In many cases, insufficient depth of the streams along with other physical factors and lack of public accessibility do not provide suitable conditions for swimming or primary contact recreation.

#### 6.4.2. TMDL Allocations

The wildlife contributions of fecal bacteria from muskrats, beavers, and waterfowl are at their highest counts during base flow conditions when there is little or no pollutant wash-off from the adjacent land areas. Therefore base flow events represent the critical condition because the allocations needed to attain water quality standards during these flow regimes insure that standards were met in all other flow ranges.

For many of these streams, even the removal of all of the sources of fecal coliform (other than wildlife) does not allow the stream to attain standards during these critical conditions (or low flows). TMDL allocation reductions of this magnitude are not realistic and do not meet EPA's guidance for reasonable assurance. Based on the water quality modeling, many of these streams will not be able to attain standards without some reduction in wildlife. **Virginia and EPA are not proposing the elimination of wildlife to allow for the attainment of water quality standards.** This is obviously an impractical action. Clearly, the reduction of wildlife or changing a natural background condition is not the intended goal of a TMDL or any other federal and state water quality management programs.

#### 6.4.3. Options for Resolution of Wildlife Issue

To address the wildlife problem, EPA and Virginia have developed a TMDL strategy that will provide the reasonable assurance necessary under EPA guidance. The first step in this strategy is to develop a phased approach for the attainment of water quality standards in the TMDL. The first phase is to select an interim reduction goal, such as the Stage I implementation target described above. This goal has been selected by the stakeholders in the watershed and Virginia for EPA's approval as part of the TMDL process. In the interim goal or target, the pollutant reductions contained in the allocation were made only on controllable sources identified in the TMDL, setting aside any reduction of wildlife. During the first phase, all reductions from controllable sources called for in the TMDL allocation would be reduced to their appropriate levels. The first phase would be a labor-intensive process that could occur on an incremental basis. While the first phase is underway, Virginia would be working concurrently on the second phase to address the wildlife issue.



Following completion of the first phase reductions, the DEQ would re-assess the streams to determine if water quality standards had been attained. This effort will also determine if the modeling assumptions and approaches are correct. If it were found that water quality standards are not met, the second phase allocations would be initiated at a level necessary to meet existing standards. In some cases, the effort may never have to go to the second phase.

40 East Court Street  
Rocky Mount, Virginia 24151  
540-483-3030 (Voice)  
540-483-3035 (Fax)

# County of Franklin

## Board of Supervisors

Richard E. Huff, II  
County Administrator  
countyadmin@franklincountyva.org



November 1, 2001

Mr. Tim Ott, Roanoke Watershed Manager  
Virginia Department of Conservation and Recreation  
411 Boyd Street  
Chase City, VA 23924

*Re: A Total Maximum Daily Load (TMDL) Implementation Plan For Fecal  
Coliform/Draft (Submitted to the Stakeholders of the Blackwater Watersheds)  
Prepared by MapTech, August 23, 2001*

Dear Mr. Ott:

On October 16, 2001, the Board of Supervisors authorized the submission of comments on the above referenced draft plan. We received a copy of the plan in late September, and our County Administrator, Richard E. Huff, has requested that these comments be forwarded to you.

As you may know, the County has been participating in the development planning for TMDLs for the Blackwater rivers, and has attended workshops on the development of the TMDL implementation plan for these waterways. The County Board's main concern throughout the project's development has been to preserve and encourage the vitality of the agricultural sector in our county, and to assure that no unfunded financial requirements were imposed on that sector to achieve the prescriptions of the TMDL program. The Board's position is that the program is a federal program, carried out through state officials, and the responsibility for funding and implementation is with those levels of government—not with the landowner or the locality. No unfunded mandates may be encouraged or supported in any way, and the continuation of volunteer participation on the part of landowners remains important to the program's success.

The Board had reviewed the draft document and determined that it largely lacked a recognition of the County's input at the public participation level. The references to public input did not list the considerable concerns which were raised, and it appeared that those concerns had not been integrated or addressed. For instance, the document states that public resistance was not centered on community concerns but a desire to stop the process. This statement in the draft plan indicates that the regulatory community either did not hear or did not validate the concerns raised by the citizens and public representatives as to the premises of the TMDL program, and the necessity of developing



TMDLs for waterbodies that are not swimmable, generally inaccessible to the public except across private property, and historically used by agriculture and wildlife. The plan did not include the voiced concern of impact of TMDL best management practices on groundwater supplies. The Board of Supervisors believes these questions are basic to a nationwide program related to water quality and, as one result, has authorized the County staff to participate in water standards development study groups with the VA-EPA and State Water Control Board.

The implementation plan calls for removing cattle from creeks, straight pipes, and eventually wildlife. The Board finds this plan unrealistic to achieve and that it disregards the historical use of the waterway. The uses of water across the United States are not just for swimming and recreational activities; the uses of water address many needs that should not be ignored in successful water quality planning. The County supports prioritizing water quality implementation plans so that they address areas where human contact is encouraged for recreational purposes. These are the areas of greatest risk, and where the public's funding should be targeted.

The Board would like to underscore that funding for TMDL development and plans, and implementation programs is inadequate for the task at the federal and state levels. In a memo to the Governor and Members of the General Assembly dated November 1, 2000, Dennis Treacy of the VA-DEQ said that the total cost of TMDL models and plans over the next 10 years was estimated at \$59.3 million. State agencies have a current allocation of \$1.5 million state and \$16.7 million federal funds. This leaves a deficit of \$41 million. The projected costs for full implementation over the next 10-15 years is \$500 million+.

The local Blackwater implementation plan draft estimates a 5-year program of \$4.91 million with 78% of that figure to address best management practices, and the remaining 22% to provide staffing. A first-year scenario of funding called upon landowners to provide \$390,000 of a total budget of \$1.21 million. The Board cannot endorse reliance on landowners for funding the program, and would like to reiterate that it encourages agriculture in the County as a viable sector of our economy. Agriculture provides jobs; maintains land in open space; conserves groundwater; provides needed goods within the economy; stimulates associated professional, commercial, and educational services; and contributes to the cultural vitality of the County. The County's participation in TMDL implementation planning hinges on the encouragement of best management practices as a voluntary measure, 100% financially supported by the state and federal governments.

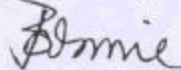
The Board found that the implementation plan draft contained assumptions in some instances instead of fact, and would suggest that these references be removed. For instance, the draft suggests that landowners who do not voluntarily participate and use cost-share monies "may face punitive fines for non-compliance". Such an outcome in a voluntary program is questioned, almost alarmingly so. Where the draft plan discusses water-related health risks, it uses references from a local newspaper, and includes a reference to an incident of sickness from E. coli Type 0157:H7 which occurred among



children who swam in Smith Mountain Lake in 1997. The connection with the Lake was never proved, and therefore this assumption should be removed because it leaves a false impression regarding water quality in the Lake, and may cast doubt on the Lake's recreational potential when in fact annual water testing in the Lake has found it clean. The document also ends with a statement that water quality needs to be recognized as a problem and that the "health of citizens, particularly those who are least able to protect themselves (i.e. children), is at stake." The County questions the specific applicability of this statement to the TMDL implementation plan due to the lack of recreational potential for most of the waterbodies studied, and that while analysis during the TMDL planning sourced fecal coliform, it did not attempt to determine the health risk attached. Determination of actual health risk would necessitate another study.

We hope these comments are helpful, and would appreciate your consideration. Thank you for the opportunity to share these concerns.

Sincerely,



Bonnie L. Johnson  
Assistant County Administrator

Cc: The Hon. John W. Warner, Senator  
The Hon. George Allen, Senator  
The Hon. Virgil H. Goode, Jr., Congressman  
The Hon. Charles R. Hawkins, State Senator  
The Hon. Allen W. Dudley, House of Delegates



VIRGIL H. GOODE, JR.  
5TH DISTRICT, VIRGINIA

10

Congress of the United States  
House of Representatives  
Washington, DC 20515-4605

November 5, 2001

RECEIVED

NOV 07 2001

DEQ - OD

Honorable Christine Todd Whitman  
Administrator  
Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460

Dear Ms. Whitman:

I wanted to share with you the letter that I received from the Assistant County Administrator for the County of Franklin. I call your particular attention to the figures on the second page of the letter indicating the astronomical projected cost for the full implementation of TMDL. This letter is written to you to once again urge that you do all that you can to stop this TMDL disaster for our rural counties. By copy of this letter, I am also sharing your letter with the head of the Department of Environmental Quality for the Commonwealth of Virginia. With kind regards, I am

Sincerely yours,

Virgil H. Goode, Jr.

VHGjr/jmg

Cc: Ms. Bonnie Johnson  
Assistant County Administrator  
County of Franklin  
40 East Court Street  
Rocky Mount, VA 24151

✓Cc: Mr. Dennis H. Treacy, Director  
Department of Environmental Quality  
629 East Main Street  
Richmond, VA 23219



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III  
Governor

John Paul Woodley, Jr.  
Secretary of Natural Resources

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Dennis H. Treacy  
Director

(804) 698-4000  
1-800-592-5482

DEC 07 2001

The Honorable Virgil H. Goode, Jr.  
Congress of the United States  
House of Representatives  
Washington, D.C. 20515-4605

Dear Congressman Goode:

Thank you for copying me on the recent letter you sent to U.S. EPA Administrator Christine Todd Whitman conveying your concerns over the projected costs for implementation of the TMDL program.

As referenced in your letter, the Virginia Department of Environmental Quality, along with several other Virginia agencies, provided a report to the Virginia General Assembly and the Governor of Virginia in November 2000 with estimates of the costs to develop and implement TMDLs in Virginia. At that time, we projected an estimated cost to the Commonwealth of almost \$60 million. This cost projection was for development of TMDLs for the waters throughout the State where monitoring data indicate that current water quality standards are not being met. These waters are listed on the Impaired Waters list developed in accordance with Section 303(d) of the Clean Water Act. The report also projected the cost of implementing the TMDLs over the next 10-15 years of more than \$500 million.

We recognize these are significant costs and we are exploring all options in trying to streamline the process to reduce costs while still protecting Virginia's environment. In the past year we have learned a lot and are seeing very positive changes in technology that will help improve cost-effectiveness of the TMDL program. I am pleased to report that our initial estimates may be reduced because of several innovative strategies undertaken here in Virginia.

At this stage of the program much of our efforts are directed at developing TMDLs in order to ensure that a federal court Consent Decree schedule that EPA agreed to is met. We at DEQ, and I believe along with most Virginians, would like to see the TMDL program remain in the hands of Virginians. If the court schedule is not met, then EPA must develop the TMDLs. Since our attention is targeted towards TMDL development, most of our efforts for streamlining the process and reducing costs have been focused on TMDL development.

Virginia, working with EPA Region III and EPA Headquarters, has recently developed a simple methodology for developing bacteria TMDLs in shellfish waters. This method does not require complex modeling and reduces the cost of developing a TMDL to less than one-half the unit cost for developing bacteria TMDLs that were used in the report to the Governor and General Assembly. DEQ is also working with EPA Region III to expand this technology to the



The Honorable Virgil H. Goode, Jr.  
Page two

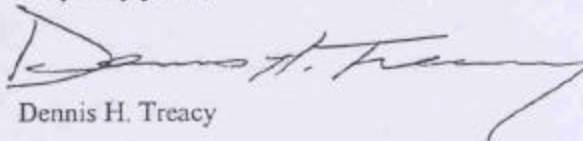
entire state. Although this technology will not eliminate the need for complex modeling for some TMDLs, we anticipate that the availability and subsequent use of the simpler methods will result in a significant reduction of the fiscal impact of TMDL development over the next 9 years.

In addition, DEQ is initiating a proactive approach to TMDLs. This initiative will involve targeting marginally impaired waters by making them a high priority for implementing pollutant reduction strategies. If federal or state funding is available, strategies could be implemented to achieve pollution reductions in the marginally impaired waters. Once monitoring data shows water quality standards are achieved, DEQ, in accordance with EPA guidance, will submit a request to EPA for approval to de-list the stream from the impaired waters' list and eliminate the need to develop any TMDLs for those waters.

We still face significant challenges regarding the cost of TMDL implementation. Our current focus in this area is to ensure that the water quality goals we are trying to achieve are appropriate and worth the resources that will need to be spent to achieve them. Therefore, we are reviewing Virginia's Water Quality Standards. The most frequent reason for placing a water in Virginia on the impaired waters list is due to violation of the bacteria criteria to protect our rivers and lakes for primary contact recreation, such as swimming. At the upcoming December meeting of the State Water Control Board, we expect the Board to consider whether the State Water Quality Standards should recognize that some waters are more suitable for a classification of secondary contact recreation, such as wading or fishing. The bacteria levels needed to protect public health for wading or fishing uses is not as stringent as for swimming. Thus, the cost of TMDL implementation would not be as great in those instances.

I appreciate the opportunity to provide you with this update on DEQ's TMDL program. Feel free to contact me directly if I can be of further assistance

Very truly yours,



Dennis H. Treacy

c: Alan Pollock, DEQ-CO  
Rick Weeks, DEQ-WCRO



*Sends To:*  
Roanoke Watershed Office  
411 Boyd Street  
Chase City, Virginia 25924  
Telephone: (434) 372-2191  
FAX: (434) 372-4962

**COMMONWEALTH of VIRGINIA**  
**DEPARTMENT OF CONSERVATION AND RECREATION**  
**DIVISION OF SOIL AND WATER CONSERVATION**

January 9, 2002

Ms. Bonnie L. Johnson  
Assistant County Administrator  
40 East Court Street  
Rocky Mount, VA 24151

RE: Total Maximum Daily Load (TMDL) Implementation Plan for Fecal Coliform in the  
Blackwater River Watershed

Dear Ms. Johnson:

Thank you for your comments on behalf of the Franklin County Board of Supervisors concerning the Blackwater River TMDL Implementation Plan.

We understand your concerns regarding the burden that the TMDL process has caused the citizens of the County. The Virginia Department of Conservation and Recreation (DCR) and the Department of Environmental Quality (DEQ) have been cooperating to meet the current requirements of the Clean Water Act and of the United States Environmental Protection Agency (U.S.E.P.A.) in completing TMDL studies in impaired waters within the Commonwealth of Virginia. The TMDL program is not optional once the water body becomes listed as impaired under the 303(d) process. Due to the court imposed consent decree on the U.S.E.P.A., DEQ and DCR are compelled to complete TMDL studies on all impaired waters within the Commonwealth in a specified time period.

DCR has opted to prepare a TMDL implementation plan in the Blackwater River to further define the corrective actions needed to mitigate the nonpoint source (NPS) pollution problems causing the water quality impairment in the watershed. It should be noted that implementation requirements of NPS TMDLs are currently primarily non-regulatory in nature, and that participation is 100% voluntary on the part of the landowner. However, failure to achieve successes in water quality improvement may require additional control measures in the future. To date, we have secured approximately \$500,000 in federal funding to help address NPS problems in the watershed. The Blue Ridge Soil and Water Conservation District has enthusiastically agreed to help implement and administer funding to County residents who are willing to participate in the process.

DEQ has received a copy of your comments, and both DEQ and DCR acknowledge the significant challenges regarding the cost of TMDL implementation. DEQ's current focus in the area is to ensure that the water quality goals they are trying to achieve are appropriate and worth the measures that





Ms. Bonnie L. Johnson

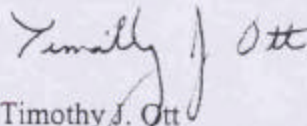
Page 2

January 9, 2002

will need to be spent to achieve them. DEQ recognizes the problems with having all waters of the Commonwealth providing "beach" level protection and the significant bacteria contribution by wildlife in many streams. DEQ has discussed these problems with U.S.E.P.A., and they are reviewing Virginia's Water Quality Standards. The most frequent reason for placing a water in Virginia on the impaired water's list is due to violation of the bacteria criteria to protect our rivers and lakes for primary contact recreation, i.e., swimming. At the December 12, 2001 meeting of the State Water Control Board, they authorized DEQ to continue the public participation process to consider whether the State Water Quality Standards should recognize that some waters are more suitable for a classification of secondary contact recreation, such as wading or fishing. The bacteria levels needed to protect public health for wading or fishing will not be as stringent as those for swimming use. The levels of bacteria found in the Blackwater, however, are many times greater than the current instantaneous standard of 1000 counts per 100 milliliters. These levels may indicate pathogens that may be detrimental to livestock as well as potentially detrimental to landowner water supplies.

If you have any questions or require additional information, please don't hesitate to contact me at (434) 372-2191.

Sincerely,



Timothy J. Ott  
Roanoke Watershed Manager

TJO/w

cc: Charles Lunsford  
Charles Martin